
HOUSE BILL No. 1597

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-1-2; IC 35-46-3-4.5; IC 35-46-3-11.3.

Synopsis: Search and rescue dogs. Makes it a Class D felony to recklessly, knowingly, or intentionally damage a search and rescue dog. Makes it a Class A misdemeanor to knowingly or intentionally: (1) interfere with the actions of a search and rescue dog; or (2) strike, torment, injure, or mistreat a search and rescue dog.

Effective: July 1, 2003.

Duncan, Hasler

January 16, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1597

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-43-1-2, AS AMENDED BY P.L.108-2002,
2 SECTION 1, AS AMENDED BY P.L.116-2002, SECTION 24, AND
3 AS AMENDED BY P.L.123-2002, SECTION 37, IS CORRECTED
4 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2003]: Sec. 2. (a) A person who:

6 (1) recklessly, knowingly, or intentionally damages or defaces
7 property of another person without the other person's consent; or

8 (2) knowingly or intentionally causes another to suffer pecuniary
9 loss by deception or by an expression of intention to injure
10 another person or to damage the property or to impair the rights
11 of another person;

12 commits criminal mischief, a Class B misdemeanor. However, the
13 offense is:

14 (A) a Class A misdemeanor if:

15 (i) the pecuniary loss is at least two hundred fifty dollars
16 (\$250) but less than two thousand five hundred dollars
17 (\$2,500);



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(ii) the property damaged was a moving motor vehicle;
 (iii) *the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) and the person is not a sex offender or was not required to register as a sex offender;*

(iv) the property damaged was a *locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way; or*

(v) *the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;*

~~(v)~~ (vi) *the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or*

~~(iv)~~ ~~(v)~~ ~~(vi)~~ (vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(iii) the damage is to a public record;

(iv) *the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) and the person is a sex offender or was required to register as a sex offender;*

(v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility; ~~or~~

~~(v)~~ (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5) **or a search and rescue dog (as defined in IC 35-46-3-11.3); or**

~~(vi)~~ (vii) *the damage causes substantial interruption or impairment of work conducted in a food processing facility.*

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

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a structure or facility identified in subdivision (1) or (2); or
 (4) personal property contained in a structure or located at a
 facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the
 property that is damaged, commits institutional criminal mischief, a
 Class A misdemeanor. However, the offense is a Class D felony if the
 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
 two thousand five hundred dollars (\$2,500), and a Class C felony if the
 pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that
 involves the use of graffiti, the court may, in addition to any other
 penalty, order that the person's operator's license be suspended or
 invalidated by the bureau of motor vehicles for not more than one (1)
 year.

(d) The court may rescind an order for suspension or invalidation
 under subsection (c) and allow the person to receive a license or permit
 before the period of suspension or invalidation ends if the court
 determines that:

(1) the person has removed or painted over the graffiti or has
 made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the
 criminal mischief or institutional criminal mischief is satisfied
 with the removal, painting, or other restitution performed by the
 person.

SECTION 2. IC 35-46-3-4.5 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) As used in this
 chapter, "law enforcement animal" means an animal that is owned or
 used by a law enforcement agency for the principal purposes of:

(1) aiding in:

(A) the detection of criminal activity;

(B) the enforcement of laws; and

(C) the apprehension of offenders; and

(2) ensuring the public welfare.

(b) The term includes, but is not limited to, the following:

(1) A horse.

(2) An arson investigation dog.

(3) A bomb detection dog.

(4) A narcotic detection dog.

(5) A patrol dog.

~~(6) A search and rescue dog.~~

~~(7) A tracking dog.~~

SECTION 3. IC 35-46-3-11.3 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: **Sec. 11.3. (a) As used in this section,
 "search and rescue dog" means a dog that receives special training
 to locate or attempt to locate by air scent or ground or water
 tracking a person who is an offender or is lost, trapped, injured, or
 incapacitated.**

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a search and rescue dog; or**
- (2) strikes, torments, injures, or otherwise mistreats a search
 and rescue dog;**

commits a Class A misdemeanor.

(c) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or
 disciplining the search and rescue dog; or**
- (2) reasonably believed the conduct was necessary to prevent
 injury to the accused person or another person.**

**(d) In addition to any sentence or fine imposed for a conviction
 of an offense under this section, the court may order the person to
 make restitution to the person who owns the search and rescue dog
 for reimbursement of:**

- (1) veterinary bills; and**
- (2) replacement costs of the dog if the dog is disabled or killed.**

**SECTION 4. [EFFECTIVE JULY 1, 2003] IC 35-43-1-2, as
 amended by this act, and IC 35-46-3-11.3, as added by this act,
 apply to offenses committed after June 30, 2003.**

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